

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Minutes of Committee Meetings.

Minutes of the Meeting of the Committee on Criminal Jurisprudence.

Held April 3, 1935.

Present: Collie, Cotten, Davis, Hopkins, Hornsby, Martin, Rawlings, Small, Stone and Van Zandt.

Absent—excused: Fellbaum, Hill and Woodruff.

The Chair laid before the committee S. B. No. 128. It was moved by Senator Cotten and seconded by Senator Hornsby that S. B. No. 128 be reported favorably with the recommendation that it do pass and be printed. The motion was carried by viva voce vote.

The Chair laid before the committee H. B. No. 185. Mr. Dixon and Mr. Spears spoke on the bill. They introduced two committee amendments. It was moved by Senator Hopkins and seconded by Senator Cotten that the committee amendments be adopted. The motion was carried by viva voce vote. It was moved by Senator Hopkins and seconded by Senator Hornsby that the bill be reported favorably with the recommendation that it do pass with committee amendments and be not printed.

It was moved by Senator Cotten and seconded by Senator Davis that the committee recess subject to call of the Chair. The motion was carried by viva voce vote.

ELIZABETH PENNINGTON,
Secretary.

FORTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
April 9, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Present.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bill and Resolutions Referred.

H. B. No. 65, was referred to the Committee on State Affairs.

H. C. R. No. 74, was referred to the Committee on Public Health.

H. J. R. No. 39, was referred to the Committee on Constitutional Amendments.

Motion to Re-refer.

Senator Oneal moved to re-refer H. B. No. 65 to the Committee on Towns and City Corporations.

Motion to Table.

Senator Van Zandt moved to table the motion to re-refer.

The motion to table lost by the following vote:

Yeas—11.

Beck.	Sanderford.
Holbrook.	Shivers.
Martin.	Stone.
Moore.	Van Zandt.
Rawlings.	Woodruff.
Redditt.	

Nays—12.

Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Poage.
Duggan.	Regan.
Hill.	Sulak.
Hornsby.	Westerfeld.

Present—Not Voting.

Pace.

Absent.

Burns.	Hopkins.
Cotten.	Small.
Davis.	

Absent—Excused.

Fellbaum.

Senator Oneal asked unanimous consent that his time be extended 10 minutes.

Consent was granted.

The question recurred on the motion to re-refer H. B. No. 65.

The motion lost by the following vote:

Yeas—10.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Sulak.
Hill.	Westerfeld.
Neal.	Woodruff.

Nays—16.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.

Present—Not Voting.

Pace.

Absent.

Davis.	Hopkins.
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Absent—Excused.

Fellbaum.

Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a conference committee to consider the differences between the two houses on S. B. No. 361. The following are conferees on the part of the House:

Glass, Roach of Angelina, Jones of Shelby, Alsup and Tillery.

The House has adopted the following resolution:

S. C. R. No. 31, Granting permission the Hon. W. R. Chapman, Judge of the 104th Judicial District to be absent from the State of Texas.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

H. C. R. No. 75.

The Chair laid before the Senate the following resolution:

H. C. R. No. 75, Concerning the appointment of a committee to choose a Poet Laureate for the State of Texas.

Senator Oneal asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 75 be taken up and considered at this time.

There was objection.

Senator Oneal moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that H. C. R. No. 75 be taken up and considered at this time.

The motion prevailed by the following vote:

Yeas—22.

Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Stone.
Hornsby.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—3.

Martin.	Sulak.
Poage.	

Present—Not Voting.

Hill.

Absent.Beck. Small.
Davis.**Absent—Excused.**

Fellbaum.

H. C. R. No. 75, was adopted by viva voce vote.

S. J. R. No. 3.

Pending business was the substitute motion by Senator Hill.

Motion to Table.

Senator Moore moved to table the pending substitute motion by Senator Hill.

The motion to table prevailed by the following vote:

Yeas—15.

Cotten.	Redditt.
Davis.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Moore.	Stone.
Neal.	Suiak.
Rawlings.	

Nays—12.

Beck.	Hill.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
DeBerry.	Van Zandt.
Duggan.	Westerfeld.

Present—Not Voting.

Martin.

(Pair Recorded.)

Senator Woodruff (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

Senator DeBerry sent up the following amendment:

Amend Moore motion by the following instruction: "such conference committee is hereby instructed to bring in a resolution that will forever bar the open saloon from this State."

DeBERRY.

Read and pending.

Senator Holbrook sent up the following amendment:

Amend the DeBerry motion by substituting the following:

"Such conference committee is hereby instructed to bring in a resolution that will give the Legislature the authority to pass laws that will forever bar the open saloon from this State."

HOLBROOK.

Read and pending.

Senator Holbrook moved the adoption of his substitute.

Motion to Recess.

Senator Pace at 12:08 o'clock p. m., moved that the Senate recess until 4 o'clock p. m.

Motion to recess pending.

Senator Neal was recognized for a privileged matter.

House Bill No. 444.

Senator Neal sent up the following Conference Committee report on H. B. No. 444:

Committee Room,

Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

and

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and the Senate on H. B. No. 444, beg leave to report that we have considered the same and recommend that it do pass, in the form as attached hereto.

NEAL,
BURNS,
HOPKINS,
SHIVERS,
BECK,

On part of the Senate.

CELAYA,
JACKSON,
READER,
LEONARD,
QUINN,

On part of the House.

By Celaya.

H. B. No. 444.

A BILL**To Be Entitled**

An Act making an appropriation for emergency malaria control meas-

ures by the State Board of Health in certain areas of the State for a period of seven (7) months, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The State Board of Health is hereby authorized and empowered to carry on an intensive campaign of work toward eradication of malaria, in certain areas of the State.

Sec. 2. There is hereby appropriated out of any moneys in the General Revenue Fund not otherwise appropriated the sum of Four Thousand and Fifty Dollars (\$4,050) for a period of seven (7) months beginning May 1, 1935, in amounts to be expended as follows:

Three (3) Malaria Field Technicians,	\$1,800.00
each year year.....	\$3,150.00
One (1) microscope for laboratory at Austin and supplies and contingencies	900.00
Total	\$4,050.00

The laboratory work to be done in conjunction with the malarial control campaign provided for in this Act shall be done either in the State Laboratories of the State Health Department in Austin, or in temporary laboratories set up in Orange, Jefferson, Cameron, Hidalgo and/or Willacy Counties, under the direction of and by the director of the State Laboratories in Austin, and in no other laboratory except as herein provided.

Sec. 3. The fact that malaria is prevalent and on the increase in certain areas and will continue to increase unless immediate steps are taken to control this disease, and that no funds are now available, and that the work of control should start at once, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Read.

Request for Unanimous Consent.

Senator Sanderford received unanimous consent that the Journal show

that the following Senators who were marked absent yesterday on the roll call to determine a quorum, were attending an important meeting of the Committee on Banking: Senators Davis, Holbrook, Moore, Neal, Oneal, Regan, Sanderford, Westerfeld and Woodruff.

Motion to Suspend Rule.

Senator Small received unanimous consent to suspend the regular order of business and moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Woodruff.

Nays—2.

Burns.	Hill.
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Absent.

Westerfeld.

Absent—Excused.

Fellbaum.

Senate Bill No. 492.

By Senators Small and Sulak:

S. B. No. 492, A bill to be entitled "An Act providing for the combining of the public welfare services now administered by the Board of Control through the Texas Relief Division, the Division of Child Welfare, and the Division of Eleemosynary Institutions and for the administering of these services by the Division of the Public Welfare of the State Board of Control, which is herein created, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 493.

Senator Duggan sent up the following local bill:

By Senator Duggan:

S. B. No. 493, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended, etc., with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Kent; and declaring an emergency."

Read and referred to the Committee on Agriculture.

S. C. R. No. 32.

Senator Shivers sent up the following resolution:

Whereas, Senate Bill No. 135 has been passed by each House of the Legislature and signed by the Presiding Officers thereof and forwarded to the Governor's Office; and,

Whereas, It has been found necessary to make certain corrections in said bill; therefore, be it

Resolved, That the Governor be requested to return Senate Bill No. 135 to the Senate for further consideration and correction, and authorizing the Lieutenant Governor and the Speaker of the House to withdraw their signatures.

SHIVERS.

Read.

Senator Shivers asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 32, be taken up and considered at this time.

Unanimous consent was granted.

S. C. R. No. 32, was adopted by viva voce vote.

Recess.

The motion to recess prevailed by the following vote:

Yeas—13.

Beck.	Holbrook.
Burns.	Oneal.
Cotten.	Pace.
Davis.	Rawlings.
DeBerry.	Small.
Duggan.	Van Zandt.
Hill.	

Nays—12.

Collie.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Shivers.
Neal.	Stone.
Poage.	Sulak.

Absent.

Blackert.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Fellbaum.

After Recess.

The Senate met at 4 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

S. J. R. No. 3.

Pending business was the motion of Senator Holbrook on the adoption of his substitute.

Motion to Table.

Senator Hornsby moved to table the amendment by Senator Holbrook.

The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Martin.
Blackert.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.
Duggan.	Small.
Hill.	Van Zandt.
Hornsby.	Westerfeld.

Nays—8.

Holbrook.	Regan.
Hopkins.	Sanderford.
Moore.	Stone.
Rawlings.	Sulak.

Absent.

Davis.	Shivers.
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(Pair Recorded.)

Senator Woodruff (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Hornsby sent up the following amendment to the DeBerry amendment:

The term "open saloon" as used herein shall mean any place where distilled intoxicating liquors are dispensed in any form to be consumed on the premises.

HORNSBY.

Read.

Motion to Table.

Senator Moore moved to table the amendment by Senator Hornsby.

The motion to table prevailed by viva voce vote.

The question recurred on the adoption of the DeBerry amendment.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Small.
Hill.	Westerfeld.
Hornsby.	Van Zandt.
Neal.	

Nays—9.

Blackert.	Regan.
Holbrook.	Sanderford.
Hopkins.	Stone.
Martin.	Sulak.
Moore.	

Absent.

Davis. Shivers.

(Pair Recorded.)

Senator Woodruff (present) who would vote yea, with Senator Fellbaum (absent) who would vote nay.

Senator Woodruff sent up the following amendment:

Amend the motion of the Senator from Harris to refuse to concur in House amendments to S. J. R. No. 3, and ask for appointment of conference committee to adjust the differences by adding the following instructions to the Senate conferees:

"And that said conferees upon the part of the Senate be instructed to include in the report on said S. J. R. No. 3, the two propositions proposed in the House amendment to

be submitted to a vote of the people of this State, viz: (1) whether or not repeal of State wide prohibition is favored, and (2) whether or not control by a State dispensary system of distilled spiritous liquors, and making the effectiveness of the second proposition contingent upon a majority favorable vote for both propositions."

WOODRUFF.

Read.

Motion to Table.

Senator Van Zandt moved to table the amendment by Senator Woodruff.

The motion to table prevailed by viva voce vote.

The question recurred on the pending motion of Senator Moore as amended by Senator DeBerry.

The motion prevailed by the following vote:

Yeas—20.

Cotten.	Pace.
Davis.	Poage.
Duggan.	Rawlings.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Sulak.
Oneal.	Van Zandt.

Nays—5.

Blackert.	Hill.
Collie.	Westerfeld.
DeBerry.	

Absent.

Burns.

(Pairs Recorded.)

Senator Beck (present) who would vote nay, with Senator Shivers (absent) who would vote yea.

Senator Woodruff (present) who would vote nay, with Senator Fellbaum (absent) who would vote yea.

S. C. R. No. 33.

Senator Oneal received unanimous consent to send up out of regular order the following resolution:

Resolved by the Senate of Texas, the House of Representatives concurring, That the action of the Presi-

dent of the Senate and the Speaker of the House, in signing Senate Bill No. 324, be declared null and void and that the President of the Senate and the Speaker of the House erase their names from the enrolled bill.

ONEAL.

Read.

Senator Oneal moved that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 33 be taken up and considered at this time.

The motion prevailed.

S. C. R. No. 33, was adopted by viva voce vote.

Senate Resolution No. 69.

Senator Hornsby was recognized to send up a courtesy resolution:

Be it resolved, That the Hon. Sir Herbert Ames, a distinguished former member of the Canadian Parliament is without the door, and that this distinguished visitor be accorded the privilege of the floor and be invited to address the Senate.

HORNSBY,
HILL.

Read.

The resolution was adopted by viva voce vote.

The Chair appointed Senators Hornsby, Cotten and Collie to escort the distinguished visitor to the platform.

Lieutenant Governor Walter F. Woodul requested Senator Hornsby to introduce Sir Herbert Ames, and he addressed the Senate briefly.

At the request of Lieutenant Governor Walter F. Woodul, Senator Hornsby introduced Sir Herbert Ames who addressed the Senate briefly.

S. C. R. No. 34.

By Sulak.

S. C. R. No. 34.

A CONCURRENT RESOLUTION

Granting permission to Mrs. Alma Besch to sue State Highway Department, and fixing jurisdiction in Travis County.

Whereas, On or about the 3rd. day of November, A. D. 1934, Mr. William Besch, of Glidden, Texas, was an employee of the State Highway Department of the State of

Texas, and on said date was working on State Highway No. 71, in Colorado County, between Columbus, the county seat and the Colorado-Wharton County line; and

Whereas, While riding in a truck owned by the State Highway Department of the State of Texas, and driven by another employee of said Highway Department, in due pursuance of his employment, the said William Besch, fell from said truck while in motion upon said State Highway No. 71, and was fatally injured, from which injuries he died almost instantly; and

Whereas, The said William Besch is survived by his wife, Mrs. Alma Besch, of Glidden, Texas, and two (2) minor children, to-wit: Howard Besch, aged 17 years and Ernest Besch, aged 11 years at the time of the death of the said William Besch, and

Whereas, The said Mrs. Alma Besch and said two minor children were dependents of the said William Besch, deceased, and are now in destitute circumstances and on the relief rolls of the Colorado County Relief Administration, and are unable to provide necessities of life otherwise for themselves; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the said Mrs. Alma Besch, surviving widow of the said William Besch, for herself and as next friend of the said two minor children above named, be, and she is hereby, granted permission to bring suit against the State of Texas in a court of competent jurisdiction in Travis County, Texas, in order to determine what compensation and/or damages, if any, she and the surviving children of the said William Besch and herself are entitled to receive by reason of the death of the husband and father, the said William Besch, resulting from the injuries received while in employ of the State Highway Department, and that in case such suit be filed, service of citation and/or other process incident thereto may be had upon the Highway Department and the Attorney General of the State of Texas with the same force and effect as is made and provided in civil cases.

Read and referred to the Committee on State Affairs.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 77, Authorizing the Live Stock Sanitary Commission to use any moneys remaining in the appropriation made by S. B. No. 10, Chapter 35, Acts of the Second Called Session of the Forty-first Legislature, for the purpose of tick eradication.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 388 and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

Knetsch, Moffett, Hoskins, McKee and Roane.

The House has passed the following bill and resolution:

S. C. R. No. 32, Requesting the Governor to return S. B. No. 135 for correction.

S. B. No. 475, A bill to be entitled "An Act creating the Special Third District Court of Anderson County, Henderson County and Houston County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation for the same, prescribing his powers and duties; providing for the transfer of cases from the Third Judicial District Court to said Special Third District Court and from said Special Third District Court to the District Court of the Third Judicial District; providing for the appointment of an Assistant District Attor-

ney to prosecute cases in said court, making an appropriation for his salary, and providing that the District Attorney of the Third Judicial District and his assistant shall represent the State in all cases wherein the State of Texas is a party in said Special Third District Court; etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bills Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 494. H. B. No. 763.
H. B. No. 723. H. B. No. 888.

House Bill No. 327.

Motion to Lay on the Table Subject to Call.

Senator Burns moved to lay on the table subject to call H. B. No. 327 which was pending.

Motion pending.

Motion to Adjourn.

Senator Stone at 5:12 o'clock p. m., moved that the Senate adjourn until 10 o'clock Wednesday morning.

The motion lost by the following vote:

Yeas—8.

Hopkins.	Regan.
Martin.	Sanderford.
Moore.	Small.
Rawlings.	Stone.

Nays—18.

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Redditt.
DeBerry.	Sulak.
Duggan.	Van Zandt.
Hill.	Westerfeld.
Hornsby.	Woodruff.

Absent.

Davis.	Holbrook.
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Absent—Excused.

Fellbaum.	Shivers.
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Senator Sanderford at 5:20 o'clock p. m., moved that the Senate adjourn until 10 o'clock a. m., Wednesday.

The motion prevailed by the following vote:

Yeas—14.

Collie.	Rawlings.
Duggan.	Regan.
Holbrook.	Sanderford.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.

Nays—10.

Beck.	Hill.
Blackert.	Oneal.
Burns.	Pace.
Cotten.	Poage.
DeBerry.	Redditt.

Absent.

Davis.	Small.
Hopkins.	Woodruff.

Absent—Excused.

Fellbaum.	Shivers.
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APPENDIX.

Petitions and Memorials.

Houston, Texas, April 7, 1935.
Mr. Bob Barker,
The Senate of Texas,
Austin, Texas.

Dear Mr. Barker:

From the depth of my heart I thank you, and each member of the Senate for your kind sympathy in the greatest sorrow of my life. I shall always treasure the beautiful expression of appreciation of my beloved husband.

He was happy to serve in the Senate, and he felt a great brotherly love for all with whom he was associated.

May God bless you all.

Most sincerely,

MRS. GEORGE W. GRAHAM.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 280 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 402 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
the Senate.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 367 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 457 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 441 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 224 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 366 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 41 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 46 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 217 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 401 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 405 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 87 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 32 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 189 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 227 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 453, A bill to be entitled "An Act amending H. B. No. 276, Chapter 20, Special Laws of the Regular Session of the Thirty-sixth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,

Austin, Texas, April 8, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. C. R. No. 48, A concurrent resolution "Be it resolved by the House of Representatives, the Senate concurring, That J. M. (Tex) Moore be designated by the Legislature of Texas as 'Cowboy Artist of Texas.'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DUGGAN, Chairman.

Committee Room,
Austin, Texas, April 8, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Labor
to whom was referred

S. B. No. 442, A bill to be entitled
"An Act providing for the inspection
and fixing a standard for the con-
struction and inspection of boilers,
providing for the appointment of a
Boiler Inspector; defining boiler,
owner and safety device; providing
rules for the enforcement of this
Act; etc., and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the committee substitute,
hereto attached, do pass in lieu
thereof and be printed, in bill form.

SHIVERS, Vice-Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Con-
stitutional Amendments, to whom
was referred H. J. R. No. 39,

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

BLACKERT, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on In-
surance, to whom was referred

S. B. No. 414, A bill to be entitled
"An Act amending Chapter 10, Title
78, R. C. S. of Texas, 1925, by add-
ing thereto a new Article to be
known as Article 4878a, authorizing
and making it the mandatory duty of
the Board of Insurance Commission-
ers of Texas to require each and
every insurance company, which
term shall include capital stock, mu-
tual and reciprocal companies, inter-
exchanges, Lloyd's and insurance
companies of any and every nature
and class whether or not specifically
named herein, doing business in this
State, to make a report of every
loss that occurs within the State
wherein the property destroyed or
damaged is insured by such com-
pany against fire, tornado, wind-
storm and/or hail, etc. . ."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 382, A bill to be entitled
"An Act granting Mrs. Harriet B.
Haggy, a femme sole, and Miss Ger-
aldine Haggy, a femme sole, permis-
sion to bring suit against the State
of Texas in the District Court of
Collin County, Texas, for damages in
the sum of \$950.00 alleged to have
been sustained by reason of the re-
location of State Highway No. 6
through their property located in
Collin County, Texas; providing that
such suit may be filed within two
years after this Act takes effect;
providing for the method of serving
process and the procedure governing
the trial and determination of such
suit, and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 349, A bill to be entitled
"An Act amending Section 6a, Arti-
cle 3883, Revised Civil Statutes of
Texas, 1925, as amended by Chapter
59, page 123, Acts of the Forty-
third Legislature, Second Called Ses-
sion, providing for the fees of office
that may be retained by certain pre-
cinct officers in certain counties, and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, April 9, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 697, A bill to be entitled "An Act authorizing B. H. Willis of Jefferson County, Texas to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right of way for State Highway No. 3, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 61,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 51, A concurrent resolution "Granting H. B. McElmurray and Mrs. H. B. McElmurray permission to sue the State of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 65, A bill to be entitled "An Act amending Article 1119 of the Revised Civil Statutes of Texas, of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas and so as to extend the regulatory power of such cities and towns to persons,

companies or corporations furnishing telephone service and to limit the earnings of persons, companies or corporations coming within the provisions of said Article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering service to the public; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, April 9, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 720, A bill to be entitled "An Act ratifying the Interstate Compact made by the Governor of Texas with the Governors and their representatives of other oil producing States at Dallas, Texas, on February 16, 1935; providing that same shall be effective in accordance with the terms thereof; providing for a representative to the Interstate Oil Compact Commission; providing for withdrawal by the State from such compact; making an appropriation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on Insurance
Held April 9, 1935.

Regular Meeting.

Present: Collie, DeBerry, Holbrook, Pace, Rawlings, Shivers, Sulak, Westerfeld and Woodruff.

Absent: Cotten, Poage and Moore (excused).

Senator Pace moved that S. B. No. 414 be reported favorably with recommendation that it do pass, and be printed.

Senator Holbrook moved as substitute that S. B. No. 414, be reported unfavorably with recommendation that it do not pass.

Substitute motion lost by the following vote: yeas Holbrook and

Woodruff; nays DeBerry, Pace, Sulak and Westerfeld.

S. B. No. 414, reported favorably by viva voce vote.

On motion of Senator Holbrook, S. B. No. 273, with amendment, was reported favorably by viva voce vote.

On motion of Senator Pace, S. B. No. 415 and S. B. No. 417 were set for special hearing at special meeting of committee on Wednesday, April 10, at 8 p. m.

BILL GEORGE, Secretary.

FORTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
April 10, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Prayer by the Chaplain.

Futher read of the Journal was dispensed with on motion of Senator Woodruff.

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.

Motion to Suspend Rule.

Senator Redditt moved to suspend the constitutional rule relating to the time for introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hornsby.	Sulak.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Van Zandt.
Hopkins.

Senate Bill No. 494.

By Senator Redditt:

S. B. No. 494, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State Treasury of the State of Texas for certain State Eleemosynary Institutions for additional support and maintenance of said institutions for the fiscal year ending August 31, 1935; and declaring an emergency."

Read and referred to the Committee on Finance.

Motion to Suspend Rule.

Senator Martin moved to suspend the constitutional rule relating to the time for the introduction of bills.

The motion prevailed by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Shivers.
Hopkins.